IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

–

–

THURSDAY, THE TWENTY FIFTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WP.No.18841 OF 2005

Between:

Gram Panchayat, Purni village,

Allur Mandal, Nellore district,

Represented by its Sarpanch,

Mr. Manikala China Venkaiah … Petitioner

Versus

The District Collector,

Nellore District & Anr. … Respondents

Counsel for the Petitioner: Mr.MVS. SURESH KUMAR

Counsel for the Respondents: GOVT.PLEADER for Revenue

O R D E R :

This writ petition is filed seeking to direct the second respondent not to interfere with the laying of pipelines by petitioner Gram Panchayat for supply of water from the borewell dug in survey no.850/2C of Purini village, Allur Mandal, Nellore district to alleviate the water problem in Purini village and its hamlets, situate at Allur Revenue Mandal, Nellore district.

By virtue of the resolution of Gram Panchayat dated 27-7-2005, this writ petition is filed by the Sarpanch of Gram Panchayat, Purini village of Allur Revenue Mandal,

Nelore district. It is submitted that an extent of Acs:0-42 in survey no.850/C of Purini village, Allur Mandal, which is classified as ‘mound’ (dibba) in revenue record. It is a Government land and not useful for any cultivation purpose. Due to acute water problems in the village consisting of four hamlets; namely, Subbaraidu thopu, Mandiram, Kothapalem and Toofan nagar comprising of more than 7000 population. The residents of these villages are desperately in need of drinking water. Though bore well water is available in the village but however it is salty in nature. Therefore, the petitioner Gram Panchayat passed a resolution on 27-7-2005 for installation of borewell for drinking water purpose in the said land of Ac:0-42 cents in survey no.850/C. A bore well was dug on 10-8-2005 and there is ample drinking water available and that there is no other place in Purini village, which is suitable for digging borewell for drinking water purpose.

While things stood thus, it is submitted that the second respondent is contemplating to assign the land to third parties. Thereupon the petitioner Gram Panchayat made a representation on 5-8-2005 to the first respondent. However, no action has been taken so far and it is submitted that the second respondent directed the petitioner Gram Panchayat orally not to proceed with the laying of pipelines in survey no.850/C where bore well is already dug and drinking water is available.

Now the main grievance of the petitioner Gram Panchayat is that if the Mandal Revenue Officer, assign the land, which is not cultivable and where bore well is dug, it would cause any amount of injury to the public. Therefore, the present writ petition is filed seeking to direct the second respondent to consider the representation dated 05-8-2005 of the petitioner.

Considering the facts and circumstances of the case and taking into consideration the submission made by the learned counsel for the petitioner, without going into merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the second respondent to consider the representation dated 05-8-2005 submitted by the petitioner and pass appropriate orders on merits and in accordance with law within three months from the date of receipt of a copy of this order after affording reasonable opportunity of hearing the petitioner. Till such time, the second respondent is directed not to interfere with the laying of pipelines by the petitioner Gram Panchayat for supply of water from the bore well dug in survey no.850/2C of Purini village, Allur Mandal, Nellore district to alleviate the water problem in Purini village and its hamlets, situate at Allur Mandal, Nellore district.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 25th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.